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17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,  
20 Plaintiff,  
21 v.  
22 ARLAN WESLEY HARRELL, et al.,  
23 Defendants.  
24

No. CR 17-404(B)-AB-1

GOVERNMENT'S OBJECTION REGARDING  
DEFENDANT HARRELL'S SUBMISSION  
RELATED TO HIS PROPOSED FACTUAL  
BASIS FOR HIS UPCOMING CHANGE OF  
PLEA HEARING

25 Plaintiff United States of America, by and through its attorneys  
26 of record, the United States Attorney's Office for the Central  
27 District of California and Assistant United States Attorneys Devon  
28

Myers and Karen I. Meyer and Department of Justice Trial Attorneys  
Lauren Kupersmith and Kyle P. Reynolds, hereby this Objection  
Regarding Defendant Arlan Wesley Harrell's Submission Related To His  
Proposed Factual Basis For His Upcoming Change Of Plea Hearing.

Dated: May 13, 2021

Respectfully submitted,

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/s/

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UNITED STATES OF AMERICA

**GOVERNMENT'S OBJECTION TO DEFENDANT'S FACTUAL BASIS SUBMISSION**

Defendant Arlan Wesley Harrell ("defendant") has indicated that he intends to plead open to all counts of the Second Superseding Indictment ("SSI") in which he is named on May 14, 2021. On May 11, 2021, the government filed its Notice of Memorandum In Aid of Defendant Harrell's Change of Plea. (Docket Entry "DE" 276.) In it the government: (1) explained that it was unable to agree on a factual basis with the defense; (2) provided an explanation of why it believes a factual basis with non-legal language beyond the Second Superseding Indictment's ("SSI") statutory wording is necessary; and (3) submitted its proposed factual basis, among other items.

On May 12, 2021, defendant filed his own factual basis in support of his plea. (DE 279.) This document mistakenly includes the government's heading and a signature line with the government attorney's signature designated by an "/s/" and unsigned blanks for defense counsel and defendant. (Id.) As such, it appears that it is a document filed or proposed by the government, which it is not.

The government had previously sent a different version of this document to the defendant in an attempt to negotiate an agreed factual basis. The defendant sent back edits to the government, to which the government did not agree. It appears that what was filed as docket entry 279 is the defendant's edited version of the government's original document, but because it maintains the government's heading and signature block, it appears that it is the government's or a joint submission, which it is not. The document that defendant filed is only the defendant's version of the factual basis. Because it uses many legal terms of art, oversimplifies some

1 of the complex charges, and eliminates some critical facts, such as  
2 the age of the victims, the government believes this factual basis is  
3 insufficient for the Court to determine that the defendant  
4 understands "the nature of each charge to which the defendant is  
5 pleading." Fed. R. Crim. P. 11(b)(1)(G); DE 276 at 1-2.